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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,261	08/24/2001	David Morris	36-1501	2276

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Nixon & Vanderhye
1100 North Glebe Road 8th Floor
Arlington, VA 22201-4714

EXAMINER

LE, KAREN L

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 11/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/914,261

Applicant(s)

MORRIS, DAVID

Examiner

Karen L. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/24/01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Weeks et al (WO 9411967).

Regarding claims 1 and 2, Weeks teaches a method of distributing an audio commentary for a site comprising: loading the commentary on a telephone voice announcement platform remote from the site (page 2, line 2-14 and page 3, line 14-27), displaying at the site a telephone number for accessing the said commentary (page 12, line 22 - page 13, line 1), in response to a call from a mobile handset to said telephone number (page 6, line 26-28), establishing a connection to the telephony voice announcement platform and playing the audio commentary (page 12, line 22 - page 13, line 1).

Regarding claim 4, Weeks teaches the playing of a first portion of commentary, and subsequently, in response to a signal generated by the mobile handset, playing a further portion of commentary (see page 12, line 9-21).

Regarding to claim 5, Weeks teaches the use of a DTMF signal (page 15, line 1-8).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weeks et al (WO 9411967) in view of Low et al (WO 9731491).

Regarding claim 3, Weeks does not teach a method of assigning a short dialling code to the commentary and establishing the connection in response to the said short code. However, Low teaches a method of assigning a short dialling code to the commentary and establishing the connection in response to the said short code (page 17, lines 14-17 and 24-30). Low teaches content items is any type of information that can be passed over the PSTN network to an end user. Each content is known by a predetermined content code that can be converted to speech. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Low's feature into Weeks' system to provide a short dialing code to the commentary and establishing the connection in response to the said short code. Converting from code to text or from code to speech is very popular in communication technology.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6-7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weeks et al (WO 9411967) in view of Low et al (WO 9731491) and further in view of Albuquerque et al (WO 9615517)

Regarding claim 6, Weeks does not teach pausing of the playback of the commentary in response to a signal generated by the mobile handset. However, Albuquerque teaches pausing of the playback of the commentary in response to a signal generated by the mobile handset (page 19, line 3-19). Albuquerque teaches the visitor has the option of stopping the output or continuing with the display of the text data and accompany audio data. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Albuquerque's stopping feature into Week's system to provide pausing of the playback of the commentary.

Regarding claims 7 and 8, Weeks does not teach communicating to the different mobile handsets instructions for preceeding to a further location, and

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communicating different instructions to different users, thereby controlling the distribution of users between locations. However Albukerk teaches communicating to the different mobile handsets instructions for preceeding to a further location, and communicating different instructions to different users, thereby controlling the distribution of users between locations (see page 25, line 4 - page 26, line 28). Albukerk teaches visitors using personal interpretive device for a selected tour that include a hall. The control signal would indicate the location of the hall, and the personal device would restructure the tours to avoid the overcrowded hall. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Albekerk's feature into Weeks' system to control the distribution of users between locations.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen L. Le whose telephone number is 571-272-7487. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should


you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Karen Le

KLL

September 30, 2005


AHMAD MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600